

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTHONY COCKROFT,	:	Case No. 1:21-cv-676
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
BILLY STARKEY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER DENYING MOTION FOR RECONSIDERATION

This civil case is before the Court on Plaintiff’s motion for reconsideration (Doc. 23) of the Court’s Decision and Entry adopting the Magistrate Judge’s Report and Recommendations (Doc. 22). Defendants responded with a motion to dismiss (Doc. 26), to which Plaintiff responded (Doc. 28). In the motion to dismiss, Defendants argue that the Court lacks jurisdiction over Plaintiff’s motion for reconsideration because Plaintiff filed a notice of appeal of the Court’s Decision and Entry. (Doc. 24).

“It is well settled that the filing of a notice of appeal transfers jurisdiction over the merits of the appeal to the appellate court.” *Workman v. Tate*, 958 F.2d 164, 167 (6th Cir. 1992) (collecting cases). Thus, by filing a notice of appeal regarding the Decision and Entry, Plaintiff divested this Court of jurisdiction to consider his motion for reconsideration of that same Decision and Entry.¹

¹ Even if this Court were to consider the motion for reconsideration, Plaintiff has not provided any basis warranting relief. Indeed, Plaintiff’s motion for reconsideration generally reiterates the arguments made in his objections to the Report and Recommendations, which objections the Court already overruled. (*See* Docs. 20, 23).

Accordingly, Plaintiff's motion for reconsideration (Doc. 23) is **DENIED without prejudice**. Defendants' motion to dismiss (Doc. 26) is **GRANTED**.

IT IS SO ORDERED.

Date: 5/19/2023

s/Timothy S. Black
Timothy S. Black
United States District Judge